

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

JULY 2003

Supreme Court Adopts Budget Plan

Idaho Supreme Court Chief Justice Linda Copple Trout has announced the strategy the Court has adopted to deal with the continuing budget constraints facing Idaho state government. Chief Justice Trout said the strategy was adopted after careful review of all options and a review of the Court's constitutional and statutory responsibilities.

Among the specific approaches are these:

Case Processing:

The Supreme Court will maintain the existing senior judge budget and the assignment of active judges where the need is greatest. Continuing case processing is one of the Court's highest budget priorities. The Court increased the use of senior judge days by 145 days over FY03, for a total of 575 days assigned for district court calendars, and 772 days for magistrate division calendars.

Funding for Drug Courts, Family Court Services: Legislative adoption of a 2% surcharge on the sale of all liquor through the liquor dispensary will provide an ongoing, dedicated source of funding for Drug Courts and Family Court Services, including Court Assistance Offices. Current year funding levels will be maintained, while further experience is gained with the new fund.

Court Improvement: The Court will continue its reduced budget and cuts of court committee meetings, hoping again to use teleconferencing or videoconferencing whenever possible. Only a very few committees will meet "face to face" – those committees funded by grants, dedicated funds, or when little or no cost will be incurred by the state general fund.

Personnel: The Court will maintain judicial and non-judicial personnel at the current levels, to the extent possible. Over 93% of

the Court's budget is now devoted to personnel costs. A hiring freeze remains in effect, along with a requirement that all position vacancies must be forwarded to the Supreme Court for approval before recruitment begins.

Operations and Training: Severe constraints remain in place on operations and training budgets, including continued reliance on email and the Court's website for publications, materials, and communications. Subscriptions for the State Law Library continue to be cut significantly. The Judicial Conference scheduled for 2004 has been cancelled.

Chief Justice Trout said of the budget situation, "I appreciate all of your efforts to conserve funds, and please continue to identify where additional savings can be realized. The Administrative Conference will continue to be asked to identify strategies and priorities in the event of future cutbacks. While these are extremely difficult financial times, I am pleased that with the excellent support of Governor Kempthorne and legislative leadership that our district and magistrate judges will be able to continue their leadership and innovative efforts to reduce drug abuse, protect children, provide timely, fair and efficient court services to the public and increase access to the courts."

Leadership Conference Held

At the recent meeting of the Administrative Conference, participants discussed a variety of management and policy issues and scheduled a decision making session.

Conference participants discussed how best to enhance the role of judges and court administrators in statewide policy development, how to enhance the effectiveness of the Administrative Conference, and arguments for and against increased representation by magistrate judges, including the principles and practices that should guide decisions regarding representation. Other topics reviewed included, where increased input from district-level policies would benefit the court, and what changes for soliciting input should be considered. The Administrative Conference also briefly discussed whether any clarifications were necessary to confirm the leadership role of the Administrative District Judge.

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The following action items were agreed upon:

- 1) An Administrative Conference agenda will be planned for July 22-23, including Dale Lefever as facilitator, to move the discussion to "decision making."
- 2) Administrative District Judges will convene on October 16 to discuss responsibilities of Administrative District Judge and make any recommendations or suggest amendments to Administrative District Judge responsibilities. The Trial Court Administrators will meet as scheduled on October 16, with the Administrative Conference to meet as planned on October 17.
- 3) A training program will be developed for judges and administrators regarding "conducting and participating in effective meetings."
- 4) Scheduling future Leadership Conferences will be added to the July Administrative Conference agenda.

7th District Court Awarded Grant



Idaho Congressman Mike Simpson has announced a \$150,000 grant for the 7th District Mental Health Court in Idaho Falls. The Mental Health Court hears cases of individuals who have a serious mental illness, such as schizophrenia or bi-polar disorder, and have also been charged with a criminal offense. The grant was awarded by the U.S.

Department of Justice and is administered through the Idaho Supreme Court.

"The mental health court does a tremendous job incorporating treatment as well as accountability in the court system. Many of these individuals commit crimes because they are mentally ill. If we can work on managing the mental illness, then they won't become repeat offenders. I offer my compliments to the court for being an innovative leader in this area. The mental health court is the only one of its kind in the state. This grant will ensure the court's continued success and perhaps become a model for other districts," Simpson said.

The grant will provide additional services to mental health court participants. The grant includes assistance with activities such as transportation to court and to treatment facilities, treatment services for alcohol or drug abuse in combination with the mental health treatment, alcohol and drug abuse halfway-house services, and medical care and prescriptions. In addition, the grant will provide additional training for the members of the mental health court team, including the judge, public defender, and treatment provider so they are better able to combine treatment and judicial sanctions. The grant will also support a program to offer peer-support and family-support services that are made available by the local chapter of the National Alliance for the Mentally Ill.

The two-year grant will also include an evaluation of the impact of the mental health court on criminal recidivism, reduces jail use, and psychiatric hospital admissions.

"This Department of Justice grant will make a real difference in meeting the needs of the mentally ill individuals involved in the criminal justice system, while still holding them accountable for their actions," said Idaho Chief Justice Linda Copple Trout. "When we combine equal parts of accountability and treatment, we can better serve both the person and the community. The grant will also enable us to determine if mental health courts achieve the same positive outcomes as our drug courts have achieved."

Elections Interim Committee Named

The Legislative Council has appointed the following legislators to the Judicial Elections Interim Committee: Senators Denton Darrington (co-chair), Bart Davis, Curt McKenzie, Dick Compton, and Mike Burkett, and Representatives Debbie Field (co-chair), Leon Smith, Richard Wills, Robert Ring, and Donna Boe. The committee is not expected to meet in the near term.

Support Guidelines Published

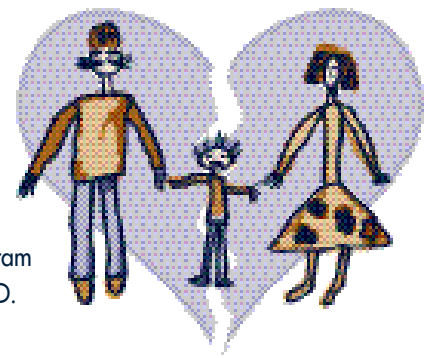
The 2003 edition of the Idaho Child Support Guidelines is ready and available electronically at:

<http://www2.state.id.us/judicial/rules/icsg03.pdf>. The guidelines will also be included on the bench guide CD. The only change for 2003 is the new chart on the Federal and Idaho income tax benefits recognized by the party entitled to claim the Federal Child Dependency Exemption, found in Section 8(c) of the guidelines.

Funds Available for Processing of Child Support Matters

The availability of Office of Child Support Enforcement (OCSE) funds to support court processing of child support matters was announced recently.

The OCSE received applications from State Title IV-D agencies for fiscal year 2003 funding of demonstration activities intended to add to the knowledge and to promote the objectives of the Child Support Enforcement Program under section 1115 and Title IV-D.



The following represent five priority areas for projects to qualify for funding:

- 1) projects which demonstrate improved services to low-income non-custodial parents
- 2) demonstrations that show enhanced and innovative interactions between the child support program and the TANF program in which each agency responds to the other's needs
- 3) demonstrations in which States provide innovative means of establishing health coverage for children for whom child support orders exist or are being sought
- 4) projects which demonstrate improved partnerships between the child support enforcement office and workforce investment and other Department of Labor and/or TANF work programs; and
- 5) projects that further the national goals of the Child Support Program.

The mission of the Child Support Enforcement (CSE) Program is to enforce the support obligations owed by non-custodial parents (NCPs). This ensures that children receive financial and emotional support from both parents. The Office of Child Support Enforcement (OCSE) administers the program in cooperation with the State and local agencies designated under Title IV-D of the Social Security Act. OCSE provides direction, guidance and oversight to the States. The Federal government participates financially in the State agencies' administrative costs under the approved State child support enforcement plan for the operation of their program.

Medical Support Orders for Children

Cheryl Meade, Deputy Attorney General in the Human Services Division - Department of Health & Welfare (DHW), has prepared an advisory concerning new statutory changes relating to the enforcement of medical coverage ordered for a child by a court. The law was enacted in accordance with federal regulations so that a party wishing to enforce a medical support order would not be required to return to court for a Qualified Medical Support Order. The new law (SB 1073) is effective July 1, 2003.

Kempthorne Appoints Roger Burdick to the Idaho Supreme Court

(BOISE) Governor Dirk Kempthorne appointed Judge Roger Burdick of Twin Falls to be Idaho's next Supreme Court Justice, replacing the retiring Justice Jesse Walters.



Burdick is currently the Administrative Judge in the Fifth District and the Presiding Judge of the Snake River Basin Adjudication. Before that he served seven years as a Fifth District Judge in Twin Falls. Burdick has experience as a Jerome County Prosecutor, public defender, partner in a private law firm and deputy prosecutor.

"I saw that experience reflected in his responses to my questions and what value that will be on the bench as he reviews with the other Supreme Court justices the decisions of other judges," Kempthorne said.

Kempthorne said given the importance of water in the state, Burdick's experience overseeing the Snake River Basin Adjudication process will bring a thorough understanding of water issues to the Supreme Court. "Judge Burdick demonstrated a depth of understanding and a passion for the law. I think he'll meet my expectations and will serve his fellow citizens extremely well," the Governor added.

A Colorado native, Judge Burdick graduated from Boise High School. He earned his Bachelor of Science degree in Finance with minors in geology and marketing from the University of Colorado in Boulder, before earning his law degree from the University of Idaho. He and his wife, Janet, have two grown sons.

The Governor interviewed the candidates for the high court vacancy, and was impressed with the quality of the names forwarded to him by the Idaho Judicial Council. "All four candidates were truly qualified. Any of those individuals would serve with distinction during their tenure on the Supreme Court," Kempthorne said.

Orders/Rules



New Orders / Rule Changes:

<http://www2.state.id.us/judicial/rulesamd.htm>

Amended Infraction Schedule:

Amendment of I.I.R. 9 - June 16, 2003 - effective July 1, 2003

In Re: Amendment of I.R.C.P. Rule 40(d)(1) - June 3, 2003, effective July 1, 2003 (Disqualification without cause) as recommended by the Administrative Conference.



A round-up of judicial personnel making news across Idaho

Honoring Justice Walters

The Court has begun a tradition of honoring the retirement of a Supreme Court Justice through a compilation of the Justice's writings, as well as letters and photographs about their service on the Court and legal career. In this way its hoped there will be created a tangible and enduring remembrance of the significant contributions of the departing Justice.

Please consider this an opportunity to reflect on the years that you have known Justice Jesse Walters, and to pass along a few comments, remembrances, and/or express your appreciation for his significant contributions to the Idaho Courts. Please forward any thoughts to us by July 30, 2003, at the following address: Patricia Tobias, Administrative Director of the Courts, Idaho Supreme Court, PO Box 83720, Boise, ID 83720-0101 or via email to ptobias@isc.state.id.us. Thank you for contributing to this publication.

Applicants Announced for 6th District Position

The Judicial Council has received ten applications from candidates interested in filling District Judge Woodland's position in the Sixth Judicial District. Interviews have been scheduled for August 15, 2003.

The candidates are:

- ⚖ Mark A. Beebe – Magistrate Judge of the Sixth Judicial District, American Falls
- ⚖ O. Lynn Brower – Magistrate Judge of the Sixth Judicial District, Ovid
- ⚖ Ronald E. Bush – attorney in private practice in Pocatello
- ⚖ Rick Carnaroli – Chief Civil Deputy and Risk Manager for the City of Pocatello
- ⚖ Stephen S. Dunn – attorney in private practice in Pocatello
- ⚖ Ronald M. Hart – Magistrate Judge of the Sixth Judicial District, Soda Springs
- ⚖ Lowell N. Hawkes – attorney in private practice in Pocatello
- ⚖ Mark L. Hiedeman – Prosecuting Attorney for Bannock County, Pocatello
- ⚖ Bruce Larson – attorney in private practice in Pocatello
- ⚖ Kent V. Reynolds – Deputy Public Defender for Bannock County, Pocatello

Applicants Announced for 5th District Magistrate Position

The Fifth Judicial District Magistrate Commission will meet on August 1, 2003 to review applicants for Cassia County Magistrate Judge Holloway's position. The applicants for the position are:

- ⚖ Rick Bollar – Minidoka County Prosecutor and private practice in Rupert
- ⚖ W. Kent Fletcher – attorney in Burley
- ⚖ Roger Harris – Conflict Public Defender and attorney in Twin Falls
- ⚖ Casey Robinson – Chief Deputy Public Defender in Twin Falls
- ⚖ Steven Tuft – Heyburn City Prosecutor and attorney in Burley
- ⚖ Clayne Zollinger, Jr. – attorney in Rupert

Important Websites

- ⚖ Idaho Supreme Court: <http://www2.state.id.us/judicial/>
- ⚖ Idaho State Law Library: <http://www2.state.id.us/lawlib/lawlib.html>
- ⚖ Idaho State Bar: <http://www2.state.id.us/isb>
- ⚖ Court Assistance Offices: <http://www2.state.id.us/cao>
- ⚖ Idaho Law Foundation 2001 – 2002 Annual Report Online: http://www2.state.id.us/isb/gen/ilf_info.htm#Annual
- ⚖ National Center for State Courts: <http://www.ncsconline.org>

Directory of Idaho Legal Services Available Online

The Directory of Idaho Legal Services is available online at: <http://www2.state.id.us/cao/documents/legaldir.htm>

Jur-E Bulletin 5-30-03

This publication "all about juries" is produced weekly by the National Center for State Courts. Follow the links to sign up and receive it weekly.

http://view.exacttarget.com/?j=116479&l=59379_HTML&e=tmunsterman@ncsc.dni.us



"Justice In Jeopardy" – Final Report:

The American Bar Association's "Justice in Jeopardy" final report has been issued, and is available at: http://www.manningproductions.com/ABA263/ABA263_Main.htm



Seventh Judicial District

The Seventh Judicial District Mental Health Court, where District Judges Brent Moss and Richard St. Clair preside jointly, has received notice that the National Institute of Justice has commissioned Policy Research Associates (PRA) of Delmar, New York to conduct an evaluation of the court.

The Bureau of Justice Assistance has provided funding to 25 Mental Health Courts throughout the United States, and the court in Bonneville County is one of seven that will be evaluated in depth. A site visit by PRA is scheduled for August 7, 2003.

The mental health court implementation has been a collaborative effort between District 7 Health and Welfare, the District Court, misdemeanor and felony probation, Bonneville County Jail, the Prosecutor's and Public Defender's offices, and the local chapter of NAMI.



Drug Endangered Children Conference

The State of Idaho Executive Branch held the first annual Drug Endangered Children Conference at Boise's Doubletree Riverside Hotel earlier this month.

The conference brought together a wide variety of professionals from the fields of law enforcement, child protection services, the judicial system, emergency medical services, fire, and medical treatment to discuss the issues most relevant to children in drug environments and Idaho's Drug Endangered Children Protocol. More information is available at: http://www.isp.state.id.us/DEC_Conference/index.html

Judicial Education

U.S. Courts Conferences Scheduled in Fall 2003

The U.S. Courts have scheduled conferences this year on September 12 in Lewiston, October 3 in Idaho Falls and on October 31 in Boise. Arrangements have been made for Idaho judges to attend at no cost.

Please see:

<http://www.id.uscourts.gov/DistConf2003/DistConf03.pdf>



Odds & Ends

Governor's Roundtables for Families & Children

There are six regional opportunities planned to permit Idahoans to join Governor and Mrs. Kempthorne in roundtable discussions aimed at enhanced community services to families and children. For complete details and on-line reservations, go to: <http://www2.state.id.us/gcc/roundtable4.html>

State Law Library Launches New, Redesigned Webpage

Now from the opening page, you can link to more than 100 useful Internet resources. To try out the new webpage, go to: <http://www2.state.id.us/lawlib/lawlib.html>

State Announces New Employee Web Portal

There is a new portal designed for use as a management tool and aide for state employees. The website provides non-stop access to state employment information such as state medical and dental benefits, pay and retirement information, and security notices. The website is at: <http://www2.state.id.us/emportal>

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Jesse R. Walters, Jr.

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www2.state.id.us/judicial/calendar.htm>